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USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #  
DATE FILED: 8/26/14

August 12, 2014

The Honorable Richard M. Berman  
United States District Judge  
500 Pearl St.  
New York, N.Y. 10007

VIA FAX (212) 805-6717  
REQUEST TO FILE UNDER SEAL

Re: *Siddiqui v. United States*  
14 Civ. 3437 (RMB)

Dear Judge Berman:

This letter is respectfully submitted to provide this Court with an update concerning the matters set forth in Dr. Siddiqui's letter to the Court that was docketed on July 29, 2014.

Upon being made aware of Dr. Siddiqui's letter, I sent a letter to her. In it I addressed her concerns and advised her, *inter alia*, of the legal consequences of withdrawing the instant 28 U.S.C. § 2255 motion. I did not receive a reply. Last Friday, Tina Foster, Esq., who is of counsel on this motion and with whom Dr. Siddiqui enjoys a good rapport, had a legal telephone call with her. Dr. Siddiqui advised Ms. Foster that she is not accepting legal mail. Thus, she refused my letter and never read it. Some of the issues in my letter were addressed in the phone conversation, but the bulk of the call concerned prison-related issues. Among those is the fact that Dr. Siddiqui has been in solitary confinement for the last 60 days. According to Ms. Foster, Dr. Siddiqui sounded distraught and frustrated.<sup>1</sup>

Given the foregoing I cannot, at this time, represent to the Court that Dr. Siddiqui fully appreciates the consequences of dismissing counsel and, more importantly, withdrawing her 28 U.S.C. § 2255 motion. Among the many consequences is that if the motion is dismissed with prejudice, Dr. Siddiqui would not be able to file another 2255 unless the claims satisfy the almost insurmountable standard for second or successive petitions set forth in 28 U.S.C. § 2255(h).

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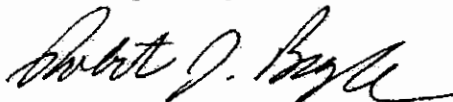
<sup>1</sup> Under normal circumstances either Ms. Foster and/or myself would travel to Texas to see Dr. Siddiqui. However, Ms. Foster is in her eighth month of pregnancy and unable to travel and I am recovering from surgery to correct an injury and can place no weight on my right foot until early September at least.

After further consultation with Ms. Foster and Dr. Siddiqui's sister, Dr. Fowzia Siddiqui, we all agree that it would be helpful if Aafia Siddiqui were able to speak over the telephone with Fowzia Siddiqui, who resides in Pakistan. Aafia Siddiqui is unable to do so while in solitary confinement as her access to the telephone is extremely limited. We are currently attempting to get approval for such a call from the officials at FMC Carswell.

Accordingly, it is respectfully requested that this Court grant petitioner another two weeks, to August 26, 2014 to further advise the Court on the status of this matter. I attempted to contact Assistant United States Attorney Jenna Dabbs. Her voicemail states that she is out of the office this week. Should this Court grant this request, petitioner does not object to a further adjournment of the government's opposition papers currently due August 29.

The government is being served with this letter. However, given the matters addressed in this letter concerning Dr. Siddiqui's circumstances and emotional state, it is respectfully requested that it be filed under seal. Thank you for your kind attention to this matter.

Respectfully submitted,



ROBERT J. BOYLE  
Attorney for Aafia Siddiqui

RJB:bms

cc: AUSA Jenna Dabbs (via email)

Extension is granted. Application  
to seal is respectfully denied.

SO ORDERED:

Date: 8/26/14



Richard M. Berman, U.S.D.J.